

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 19TH NOVEMBER 2007 / 28TH KARTHIKA 1929

WP(C).No. 19493 of 2007(U)

OS.3887/2003 of III ADDL. M.C.,THRISSUR

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PETITIONERS:

1. POOMALA EDUCATIONAL TRUST,
POOMALA DESOM, KILLANNUR VILLAGE, THRISSUR TALUK,
REPRESENTED BY SECRETARY.
2. SREEDHARAN VAIDYAR, S/O. IYYANIKKATTIL
KANDAPPAN VAIDYAR, MUNDATHIKKODE VILLAGE, DESOM,
THALAPPILLY TALUK.

BY ADV. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA

RESPONDENT:

NARAYANAN, S/O. VELLANKAL SANKARAN,
CHELLIYIL DESOM, THEKKUMKARA VILLAGE,
THALAPPILLY TALUK.

BY ADV. SRI.K.B.SAJEESH
SRI.P.R.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) 19493/07

Appendix

Petitioners' Exts:

Ext.P1 true copy of plaint in OS 3887/2003 before the IIIrd Additional Munsiff's Court, Thrissur.

Ext.P2 true copy of written statement filed by first and third defendants (petitioners herein) in O.S. 3887/2003.

Ext.P3 true copy of IA 2449/07 filed by respondent in O.S. 3887/2003.

Ext.P4 true copy of counter filed by the petitioners to IA 2449/07.

Ext.P5 true copy of order dated 28.3.2007 in IA 2449/07 in OS 3887/2003 of the IIIrd Additional Munsiff's Court, Thrissur.

M.N.Krishnan, J.

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W.P(C).No.19493 of 2007

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Dated this the 19th day of November, 2007.

JUDGMENT

This Writ Petition is filed challenging the order of the Third Additional Munsiff, Thrissur in I.A.No.2449 of 2007 in O.S.No.3887 of 2003. It is an application for amendment of the plaint. The suit was one for prohibitory injunction to restrain the first defendant from convening a general body meeting on 19.12.2003. Later it was submitted that a meeting has been held on 19.12.2003 and therefore, the present application is filed to declare that such meeting is null and void. The court below allowed the amendment application on the ground that the application for amendment need not be rejected due to mere delay of three years. The plea of limitation can be raised by the defendants by filing additional written statement in the suit. So a reading of the order of the court below would reveal that the court has neither stated that it will relate to the date of institution

of the suit or from the date of petition and therefore, it is left open.

2. When it is so, I do not find any ground to interfere with the decision rendered by the court below and therefore the Writ Petition is dismissed.

M.N.Krishnan,
Judge.

ess 19/11